

## **TENTATIVE RULINGS for CIVIL LAW and MOTION**

### **September 2, 2009**

Pursuant to Yolo County Local Rules, the following tentative rulings will become the order of the court unless, by 4:00 p.m. on the court day before the hearing, a party requests a hearing and notifies other counsel of the hearing. To request a hearing, you must contact the clerk of the department where the hearing is to be held. Copies of the tentative rulings will be posted at the entrance to the courtroom and on the Yolo Courts Website, at [www.yolo.courts.ca.gov](http://www.yolo.courts.ca.gov). If you are scheduled to appear and there is no tentative ruling in your case, you should appear as scheduled.

Telephone number for the clerk in Department Fifteen: (530) 406-6942

#### **TENTATIVE RULING**

**CASE:** Daniel's Enterprise Inc. v. Rude  
Case No. CV G 09-442

**Hearing Date:** September 2, 2009 Department Fifteen 9:00 a.m.

The unopposed motion to have the truth of the matters stated in the plaintiff's first set of request for admissions to the defendant deemed admitted is **GRANTED**. (Code Civ. Proc., § 2033.280, subds. (b) and (c).) The request for monetary sanctions against Keith Rude is **GRANTED** in the amount of \$340.00. (Code Civ. Proc., § 2033.280, subd. (c).)

Plaintiff shall serve a copy of this order on Keith Rude by no later than September 4, 2009.

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice, except as provided herein, is required.

#### **TENTATIVE RULING**

**Case:** Lantz v. Frankel, et al.  
Case No. CV CV 07-2620

**Hearing Date:** September 2, 2009 Department Fifteen 9:00 a.m.

Defendant Jerry Lazaro's demurrer to the complaint is **OVERRULED**. (Code Civ. Proc., § 430.10, subd. (e).) The complaint states facts sufficient to state a cause of action for quiet title. (Complaint ¶¶ 1-10.)

If no hearing is requested, the tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

**TENTATIVE RULING**

**Case:** **Ramos Oil Co., Inc. v. Kang et al.**  
**Case No. CV CV 08-483**  
**Hearing Date:** **September 2, 2009** **Department Fifteen** **9:00 a.m.**

Defendants' attorney, Robert I. Levy's motions to be relieved as counsel are **GRANTED**. (Cal. Rules of Court, rule 3.1362.) The orders are not effective until Mr. Levy files a proof of service with the court showing service of a copy of each of the signed orders on his clients. (Cal. Rules of Court, rule 3.1362(e).)

**TENTATIVE RULING**

**Case:** **WT Southport I, LLC v. Delightful Dining, Inc.**  
**Case No. CV UD 09-1708**  
**Hearing Date:** **September 2, 2009** **Department Fifteen** **9:00 a.m.**

The defendant's motion to set aside the entry of default and default judgment is **GRANTED**. (Code Civ. Proc., § 473, subd. (b).) The writ of possession issued on August 20, 2009, is **VACATED NUNC PRO TUNC**. The answer attached as Exhibit 1 to the Declaration of Stephen T. Cammack filed on August 28, 2009, is deemed filed on September 2, 2009. Plaintiff may file a request for trial.

Stephen T. Cammack shall pay the plaintiff WT Southport I, LLC the sum of \$1,567.50. (Code Civ. Proc., § 473, subd. (b).) The Court did not award attorney's fees based on counsel's estimate of the time it will take her to prepare for and attend the September 2, 2009, hearing. (Declaration of Annie R. Embree ¶ 8.) Counsel may submit evidence at the hearing of the actual attorney's fees incurred in relation to the September 2, 2009, hearing.

Plaintiff's request that relief be conditioned on the defendant's payment of \$10,187.00 to the plaintiff is **DENIED**.

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.